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In re Application of
SAUNDERS et al.
U.S. Application No. 09/622,382
PCT No.: PCT/GB99/00469
Int. Filing Date: 15 February 1999
Priority Date: 16 February 1998
Attorney Docket No.: 206008
For: ADAPTIVE MULTIFILAR ANTENNA

DECISION ON PETITION

The above identified application is before the Office of PCT Legal Administration for issues arising under 35 U.S.C. 371. Additionally, this decision is in response to applicants' "Request for Correction of Title of Invention (Accompanying Issue Fee Payment)" filed 26 June 2002.

BACKGROUND

On 16 August 2000, applicants filed materials to initiate the U.S. national stage application of PCT International Application No. PCT/GB99/00469, filed on 01 November 2001. This submission included: a "Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371" (Form PTO-1390); payment of the basic national fee; a Preliminary Amendment; and an executed declaration of inventors. A copy of the PCT International Application No. PCT/GB99/00469 was communicated to the United States Patent and Trademark Office from the International Bureau on 19 August 1999.

On 12 January 2001, applicants filed an executed declaration.

On 31 January 2001, a Notification of Acceptance was issued identifying the 35 U.S.C. 371(c) date as 12 January 2001. Subsequently, an Official Filing Receipt was issued indicating that "this application is a 371 of PCT/GB99/00469 dated 2/15/1999 which claims benefit of United Kingdom 9803273 dated 02/16/1998." The title of the invention was incorrectly listed as "Dual-Band Octafilar Helix Antenna."

On 26 June 2002, applicants filed "Request for Correction of Title of Invention (Accompanying Issue Fee Payment)."

DISCUSSION

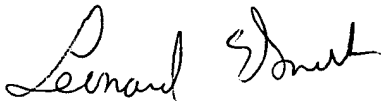
Applicants state in the present petition that "[t]he correct title for the subject application, as set forth above, 'Adaptive Multifilar Antenna.' This is the title set forth in the Transmittal Letter to the United States Designated/Elected Office Concerning Filing under 37 U.S.C. 371 . . . Also, it appears that the incorrect title is the same title as one the citation listed in the International Search Report on the underlying PCT application, specifically, WO 97/11507(PCT/US96/15196)." As noted above, the transmittal letter filed by applicant on 16 August 2000 reveals a clear request for the present application to be a national stage application of PCT International Application No. PCT/GB99/00469, a copy of which was included with the submission. Based on this request, and the description of the subject specification, it is concluded that the contents of published international application PCT/GB99/00469 were the proper specification, claims, and drawings herein. It is clear that international application PCT/US96/15196 (WO 97/11507) was improperly indexed by the USPTO as the specification, claims, and drawings of this application. Accordingly, the USPTO's treatment of international application PCT/GB99/00469 as the subject matter of this application is appropriately corrected, as requested by applicants in the present petition.

CONCLUSION

The petition GRANTED.

The Official Filing Receipt will be corrected to read: "this application is a 371 of PCT/GB99/00469 dated 11/01/2001 which claims benefit of 60/245,360 dated 11/02/2000."

The application file will be corrected so that the specification, claims, drawings, and abstract from PCT/GB99/00469 will be made the subject of the present application, and the Preliminary Amendment filed by applicant on 16 August 2000 will be applied thereto.



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